

REMARKS

By this amendment, claims 1 and 9 are amended. Claims 1-7, 9, 12 and 15-18 are pending. Claim 1 is amended as discussed below; claim 9 is amended to correct a typographic error and to improve expression by using a Greek character for “.beta.”. No issue of new matter arises.

Rejection under 35 U.S.C. §112, first paragraph

Claims 1-7, 9, 12 and 15-16 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectively observe that claims 17 and 18 were not rejected.

At page 3 of the Office Action the rejection is explained as: “[T]here is insufficient written description encompassing a ‘second portion that binds to a specific epitope on a tumor antigen, wherein the second portion is not an antibody or antibody fragment’ because the relevant identifying characteristics of the genus such as structure or other physical and/or chemical characteristics of ‘this second portion which is not an antibody’ are not set forth in the specification as-filed, commensurate in scope with the claimed invention. Underlining in original. Claim 1 is amended to eliminate the objected to language. The remaining claims ultimately depend from claim 1 and are now also deemed to be allowable. Reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal of all rejections. Applicants respectfully submit that the application is now in condition for allowance and request prompt issuance of a Notice of Allowance. Should the Examiner believe that anything further is desirable that might put the application in even better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

Fees

No fees not otherwise provided for are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 18-1982 for any underpayment, or to credit any overpayments.

Respectfully submitted,

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